

Louis Marks

Name

P.O. Box 208

Indian Springs, NV 89070

94433

Prison Number

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Louis Marks Plaintiff

vs.

State of Nevada ,

Southern Desert Correctional Center ,

Jerry Howell ,

Tom Lorenz ,

S.D.C.C. Medical Health Care ,

Defendant(s).

Case No. 2:18-CV-01421-RFB-BNW
(Supplied by Clerk of Court)

2nd AMENDED COMPLAINT
CIVIL RIGHTS COMPLAINT

PURSUANT TO
42 U.S.C. § 1983

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, Louis Marks,
(print plaintiff's name)
who presently resides at Southern Desert Correctional Center
P.O. Box 208, Indian Springs, NV 89070, were violated by

the actions of the below-named individuals that were directed against Plaintiff at

SDCC-PDBox208 Indian Springs, NV 89070 on the following dates:
(institution/city where violation occurred)

UNSADE Prison Condition [redacted], and _____.
(Claim 1) _____ (Claim 2) _____ (Claim 3)

cruel & unusual punishment
abhorrent indifference

Make a copy of this page to provide the below information if you are naming more than five (5) defendants

- 2) Defendant State of Nevada resides at The Entire STATE, and is
 (full name of first defendant) (address of first defendant)
 employed as Comptroller of N.D.C.. This defendant is sued in his/her
 (defendant's position and title, if any)
 individual official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: Comptroller of Southern Desert Correctional Center and
employees for State
- 3) Defendant Southern Desert Corr. Center resides at P.O. Box 208 Indian Springs, NV 89070, and is
 employed as Housing Facility N.D.C. Prison. This defendant is sued in his/her
 individual official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: Housing Facility to house and ensure safety to the community and
inmates, and at all times relevant are employed to the State of Nevada
Some as #3
- 4) Defendant Terry Howell resides at unknown, and is
 employed as Warden @ S.D.C.. This defendant is sued in his/her
 individual official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: At all time relevant was employed as Warden a Southern
Desert Corr. Center. (S.D.C.) Some as #3

- 5) Defendant Tom Lorenz resides at unknown, and is employed as Freeship/Maintenance supervisor. This defendant is sued in his/her individual official capacity. (Check one or both.) Explain how this defendant was acting under color of law: At all times relevant was employed as Maintenance Supervisor Free staff Supervisor for SDCC At all time relevant Same as #3
- 6)(1) Defendant Sgt Hauler resides at unknown, and is employed as Shift Sgt. SDCC. This defendant is sued in his/her individual official capacity. (Check one or both.) Explain how this defendant was acting under color of law: Employed by State of Nevada Dept of Corrections SDCC Sgt.
██████████ Same as #3
- 7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.
8th amendment US Constitution

B. NATURE OF THE CASE

- 8) Briefly state the background of your case.

On 1-17-18 Plaintiff - Louis Marks #94433, unknowingly sat on a broken table in Unit 12-A where Plaintiff was then housed. Unit 12-A Day-room/Rec-Area. Because the table was not bolted down, the broken table flipped Mr. Louis Marks, a 300+ pound man, onto the floor and caused him to re-injure his hip causing injury to Lower Back and pelvis. There were no warning signs posted onto the broken table unit. Mr Lorenz Failed to make known that the table was broken so no one would get hurt.

- (1) 6a Defendant(s) SDCC Health Care et al.
Nursing staff 3
 Employed at same Individual Official capacity Same address under color of law as No. 6 supra,

C. CAUSE(S) OF ACTION

CLAIM 1

The following civil rights have been violated: As against all Defendants, My 8th Amendment Rights are being violated due to the Deliberate Indifference to my Spine hip-reinjury

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

I got off work on 1-17-18 around 7:00 PM. I walked to one of the tables to play cards. (① 12-A) I sat at the table the table hinges (Bolts) came apart, I fell on my hip & back injury my pelvis, reinjuring my hip, with back pain. I stayed on the floor for a couple of minutes. Sgt. Hauler came out of the office (Bubble) - and asked if I was OK? I replied "I'm alright, but I'm not OK". I managed to get up and get in the bed. The next morning I woke up in excruciating pain. The table was still laying on the floor, broken I called "Man down". I was in so much pain. Officers came. They made me walk to Inmate Infirmary which took me 45 minutes, to get there. While at the infirmary I was given tylenol 200 mg, and I was sent back to my unit. 12-A.

They also gave me a 3-Day lay in. Approximately 1 week or 2 later I ~~was~~ was seen by Medical Dr. He did not know the extent of my injury. He gave me meds and set me an appointment for X-Rays. Approximately 1 month later I was taken to infirmary and given X-Rays. After X-Rays

The following civil rights have been violated:

Count 1 Continue

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

I was told my pelvis, spine were grinding against each other and flared up my arthritis.

Months went on before I got any more help I eventually received pain shots from Dr. Wolf @ HOSP.Medical.

I've been trying to get help.

There was no signs to inform me that the table that I sat at was broken.

I am still in pain. There was no diagnostic exam.

Warden Powell has done nothing to help me

CLAIM 2

The following civil rights have been violated: 8th amendment Violation

Cruel and unusual punishment 9th Amendment Rights preserved

By the People ["Deliberate Indifference to serious Medical Needs"]

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Plaintiff Re injured His - prior back and hip injury with a fall from a broken day room table. The said table came off at its foundation by not being secured. In fact, the table had been broken for some time. However the table had no signs warning suspected users that it was out of commission. Broken.

Mr. Lorens - Maintenance Supervisor was aware but had not take the proper steps to place signs upon table letting everyone know the table was broken - "DO NOT SIT".

Plaintiff has been trying to receive medical help because he still has pain in his back, hip, and pelvis area. He has written several kite ~~②~~ and requests ~~②~~ for help but only receives pills. Plaintiff

9) Have you filed other actions in state or federal courts involving the **same or similar facts** as involved in this action? Circle one: Yes or **No**. If your answer is "Yes," describe each lawsuit. (If more than one, describe the others on an additional page answering the following questions.)

a) Defendants: _____

b) Name of court and docket number: _____

c) Disposition (for example, was the case dismissed, appealed or is it still pending?):

d) Issues raised:

e) Approximate date it was filed: _____

f) Approximate date of disposition: _____

10) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted? Circle one: Yes or **No**. If your answer is "Yes," describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page answering the following questions.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: _____

b) Name of court and case number: _____

c) The case was dismissed because it was found to be (circle one): (1) frivolous;
(2) malicious; or (3) failed to state a claim upon which relief could be granted.

d) Issues raised:

e) Approximate date it was filed: _____

f) Approximate date of disposition: _____

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (circle one): (1) frivolous; (2) malicious; or (3) failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (circle one): (1) frivolous; (2) malicious; or (3) failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

D. REQUEST FOR RELIEF

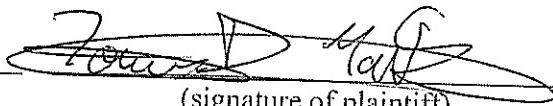
I believe I am entitled to the following relief:

- 1) Declaratory Relief - that the Defendant have violated Mark's 8th Amendment Rights:
- 2) Damages according to Proof and allowed under Law;
- 3) Cost of suit fees and expenses; and
- 4) Any other and necessary relief deemed appropriate

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Inmate Law Clerk

(name of person who prepared or helped prepare this complaint if not the plaintiff)



(signature of plaintiff)

3-3-22

(date)

ORDER

IT IS ORDERED that the Clerk of Court shall strike ECF No. 61 from the docket. See LR IC 7-1.

If Plaintiff wishes to amend his complaint, he must (1) meet with Defendants about his proposed amended complaint; (2) if the parties cannot reach an agreement, Plaintiff must file a motion to amend his complaint; and (3) he must attach a copy of his proposed amended complaint to his motion. See LR 16-1(d); LR 15-1(a).

IT IS SO ORDERED

DATED: 4:23 pm, March 08, 2022



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE